IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5512 of 2007()

CMP.7263/2007 of J.M.F.C., KAYAMKULAM
CRIME NO.616/2007 OF KAYAMKULAM POLICE STATION

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PETITIONER/ A1 TO A6

1. ANEESH, AGED 20 YEARS,
S/O ASHRAF, ANEESH BHAVANAM,
PULLIKKANAKKU MURI.

2. SHAFEEQUE @ PULISHEFEEQUE,
AGED 21 YEARS, S/O JALALUDHEEN,
KOLABHAGATHU, PULLIKKANAKKU.

3. ANEESH @ KALA ANEESH,
AGED 23 YEARS, S/O HANEEFA,
KOCHAYYATHY THEKKATHIL, PULLIKKANAKKU.

4. RAFEEQUE @ SHUKOOR, AGED 23 YEARS,
S/O AZEEZ, PANDAPLAVITHEKKETHIL,
MANNATHUKIZHAKKETHIL PULLIKANAKKU MURI,
KRISHNAPURAM.

5. SHABU, AGED 24 YEARS,
S/O IBRAHIMKUTTY, KUTTITHARAYIL,
PULLIKKANAKKU, KRISHNAPURAM.

6. SHIHAB, AGED 18 YEARS,
S/O THAHAKKUTTY, VADAKKETTATHUVEEDU,
PULLIKKANAKKU.

BY ADV. SRI.R.REJI
SRI.B.BIPIN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5512 of 2007

Dated this the 17th day of September 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 6. Altogether there are ten accused persons. They face allegations inter alia under Sections 308 and 153A read with 149 I.P.C. The petitioners were arrested on two different dates i.e. on 30/8/2007 and 31/8/2007. They continue in custody from the said dates.

2. The crux of the allegations is that the petitioners used to cause disturbance to the proper running of a temple in the locality. The petitioners do not belong to the Hindu community. Objections were raised and infuriated by such conduct on the part of the devotees of raising objections, the accused persons, who were members of an unlawful assembly, in prosecution of the common object of the unlawful assembly unleashed an attack on the temple and the persons who raised objections against the conduct of the accused. The alleged incident took place on 28/8/2007. In the incident, as many as nine persons had suffered injuries. Damage was suffered by the temple also. The petitioners were arrested on 30/08/2007 and 31/8/2007. They continue in custody from that date.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that

the investigating officer is granted reasonable further time to complete the investigation and appropriate safeguards may be insisted to ensure that the law and order situation in the locality is not jeopardised and I am satisfied that the petitioners can now be directed to be released on bail subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 26/09/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays until further orders.

iv) Except for the purpose of condition No.iii) above, the petitioners shall not enter the jurisdiction of Kayamkulam police station until further orders without the prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007